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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

The Use of N11 Codes and Other Abbreviated  
Dialing Arrangements

CC Docket No. 92-105

**MOTION TO ACCEPT LATE FILED RESPONSE OF BELL ATLANTIC AND  
NYNEX**

Bell Atlantic<sup>1</sup> and NYNEX<sup>2</sup> file this motion to accept late filed response to certain petitions for clarification in the above referenced proceeding. Due to a computer error in an internal e-mail system, the comments were not transmitted in a timely manner to permit filing with the Commission.

Pursuant to section 1.429(f) of the Commission's rules, 47 C.F.R. § 1.429(f), Bell Atlantic and NYNEX have served all parties that filed petitions for reconsideration or petitions for clarification in this proceeding. Replies to Bell Atlantic's and NYNEX's response are not due until May 7, and the parties to this proceeding will have ample time to prepare such pleadings. Because no party will be harmed by this one-day delay, Bell

<sup>1</sup> The Bell Atlantic telephone companies serving New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia and the District of Columbia.

<sup>2</sup> New York Telephone Company and New England Telephone and Telegraph Company.

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Atlantic and NYNEX respectfully request that the Commission include the attached response for consideration in this docket.

Respectfully Submitted,

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by John M. Goodman

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Dated: April 24, 1997

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

The Use of N11 Codes and Other Abbreviated  
Dialing Arrangements

CC Docket No. 92-105

**RESPONSE OF BELL ATLANTIC AND NYNEX**

Bell Atlantic<sup>1</sup> and NYNEX<sup>2</sup> submit this response to certain petitions for clarification of the Commission's *First Report and Order* in this proceeding.

Two petitioners ask the Commission to clarify the meaning of paragraphs 45 and 46 of the *Order*.<sup>3</sup> These paragraphs plainly require that if an incumbent local exchange carrier uses 611 and 811 for access to repair and business office services, then it must arrange for resellers of its services to be able to use these codes for access to their repair and business office services.<sup>4</sup> If the incumbent does not use those codes, then it has is no obligation to enable their use by resellers.

This is apparent from the reason the Commission gave for imposing this requirement — “access to these codes for repair and business office uses by only one facilities-

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<sup>1</sup> The Bell Atlantic telephone companies serve New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia and the District of Columbia.

<sup>2</sup> New York Telephone Company and New England Telephone and Telegraph Company.

<sup>3</sup> Ameritech Petition at 3-8; BellSouth Petition at ii, 10-11.

<sup>4</sup> A competitor with its own switch would be able to use these codes in any circumstances without any assistance from the incumbent.

based carrier serving that market would be anticompetitive.”<sup>5</sup> There would be no anticompetitive impact — and, therefore, no need to impose an obligation — if the incumbent is not using the codes itself.

ISA asks that the Commission, by “clarification,” apply a new set of rules to enhanced services provided through N11 codes. The *Order* reasonably requires that if an exchange carrier offers such services through an N11 code, then it must offer “access to the code on a reasonable, nondiscriminatory basis” to competitors.<sup>6</sup> ISA says that this reference to nondiscrimination incorporates all the rules adopted by the Commission in its *Non-Accounting Safeguards* proceeding.<sup>7</sup> With a wave of its magic wand, ISA cannot transform a simple requirement to provide nondiscriminatory access to a special, scarce numbering resource into the imposition of eight pages of new regulations.

Furthermore, the Commission already has effective regulations governing Bell company information services, and ISA has not suggested why these are inadequate for N11 information services.

Finally, it would be wrong for the Commission to extend its section 272 rules to these services. Section 272 established special “safeguards” for particular Bell company services. Congress did not, as it easily could have, require these rules for all competitive services

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<sup>5</sup> *Order* ¶ 46.

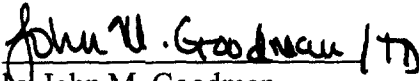
<sup>6</sup> *Order* ¶ 48.

<sup>7</sup> ISA Petition at 3.

provided by a Bell company. The fact that the section specifically requires rules for *interLATA* information services indicates that Congress saw no need for rules for other information services.

Respectfully submitted,

BELL ATLANTIC  
NYNEX

  
by John M. Goodman

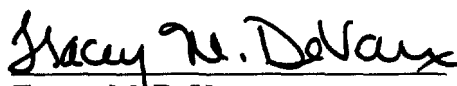
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Dated: April 23, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 1997 a copy of the foregoing "Motion to Accept Late Filed Response of Bell Atlantic and NYNEX" was sent by first class mail, postage prepaid, to the parties on the attached list.

  
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